

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARI KONFIDAN,

Plaintiff,

-against-

IMMOTOR, LLC et al.,

Defendants.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 3/11/2021

20-cv-1524 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On March 11, 2021, the Court held a status conference in this matter and issued several orders from the bench. As the Court explained at the conference, IT IS HEREBY ORDERED that, by March 25, 2021, Plaintiff shall effectuate service on Defendants SZ Immotor Technology Co., Ltd. and ShenZhen Yimada Technology Co. Ltd. and shall file proof of such service on ECF. Plaintiff's counsel and Plaintiff personally are on notice that failure to file proof of service by the deadline may result in dismissal of the claims against those defendants, with prejudice, for failure to prosecute and comply with court orders. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 633–34 (1962).

IT IS FURTHER ORDERED that, by March 25, 2021, Plaintiff shall file an amended complaint to correctly allege diversity with respect to Defendant Immotor, LLC. At the Initial Pretrial Conference in this case, the Court identified an inconsistency between the complaint and the joint letter dated November 24, 2020 [ECF #32] regarding Immotor's residence and reminded the parties that diversity jurisdiction with respect to an LLC is based on the citizenship of its individual or entity members, *see Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000). The Court, therefore, directed Plaintiff to file any amended complaint by January 4, 2021 to ensure the accuracy of the pleadings with respect to the basis for its

diversity jurisdiction [ECF #34]. If Plaintiff believes that the allegations in the current pleading are correct and complete, Plaintiff shall file a letter making that representation to the Court by March 25, 2021.

IT IS FURTHER ORDERED that, by March 25, 2021, Immotor shall file any motion for substitution of counsel. IT IS FURTHER ORDERED that, by March 25, 2021, Immotor shall serve written responses to all outstanding discovery demands and any documents that have been located by that date. Any objections not asserted, in written responses, by March 25, 2021 will be deemed waived.

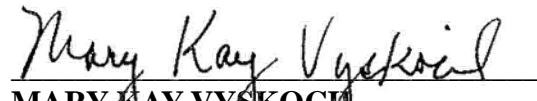
IT IS FURTHER ORDERED that Plaintiff's deposition shall be completed by April 9, 2021. IT IS FURTHER ORDERED that the deadline for fact discovery is extended to June 15, 2021, and the deadline for expert discovery is extended to August 15, 2021. The parties should not expect any further extensions of discovery deadlines.

The Court will issue a separate order referring this case for a settlement conference before Magistrate Judge Netburn, to take place after March 25, 2021.

The Clerk of Court is respectfully directed to terminate the letter motion pending at docket entry 43.

SO ORDERED.

**Date: March 11, 2021
New York, NY**


MARY KAY VYSKOCIL
United States District Judge